

REMARKS

Reconsideration of the application is requested.

Claims 1-14 remain in the application. Claims 1-8 are subject to examination and claims 9-14 have been allowed.

In items 2 and 3 on pages 2 and 3 of the above-identified Office Action, claim 1 has been rejected as being obvious over U.S. Patent No. 6,177,801 to Chong (hereinafter Chong) in view of U.S. Patent No. 6,225,898 to Kamiya et al. (hereinafter Kamiya) under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

Chong only teaches to transfer data from a transmitter (central office 110) and voice from a public switched telephone network PSTN 152 via a line 150 to a receiver (customer premises: PC 120 and telephone 154).

Thereby, the data of an xDSL modem 130 and a public switched telephone network 152 are combined with each other by a splitter 140a and transmitted together via the line 150. In a

second splitter 140b, the data and voice are again separated from each other.

Two entirely different signals, voice and data, which have nothing to do with each other are thus connected and transmitted together and than later separated.

In contrast, in the method according to claim 1 of the instant application, however, it is clearly claimed that a signal which is to be transmitted is divided (be transmission) into a constant part and a variable part and subsequently only a part of the constant part is combined with the variable part and both parts are transmitted together.

Chong neither teaches to split a single signal into its constant and variable parts nor to combine only a part of the constant part with the variable part.

These features, however, can also not be found from the state of the art (e.g. Kamiya) additionally cited by the Examiner so that a combination of the teachings of the cited prior art references does not lead to the object of the application.

In items 4-8 on pages 3-5 of the above-identified Office Action, claims 2-5 and 8 have been rejected as being obvious

over U.S. Patent No. 6,177,801 to Chong (hereinafter Chong) in view of U.S. Patent No. 6,225,898 to Kamiya et al.

(hereinafter Kamiya), and further in view of U.S. Patent 5,835,538 to Townshend under 35 U.S.C. § 103.

Claims 2-5 and 8 ultimately depend on claim 1. Claim 1 is believed to be allowable and therefore claims 2-5 and 8 are also believed to be allowable.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

Finally, applicant appreciatively acknowledges the Examiner's statement that claims 6-7 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In light of the above, applicants respectfully believe that rewriting of claims 6-7 is unnecessary at this time.

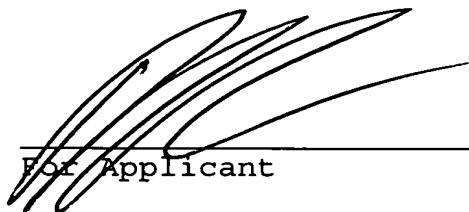
In view of the foregoing, reconsideration and allowance of claims 1-8 and 9-14 are solicited.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$110.00 in accordance with Section 1.17 is enclosed herewith.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
\_\_\_\_\_  
For Applicant

RALPH E. LOCHER  
REG. NO. 41,947

REL:cgm

July 23, 2004

Lerner and Greenberg, P.A.  
P.O. Box 2480  
Hollywood, Florida 33022-2480  
Tel.: (954) 925-1100  
Fax: (954) 925-1101